

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GORDON ELLIS,

PLAINTIFF,

CASE NO. 1:10-CV-549

vs.

MAGISTRATE JUDGE STEPHANIE K. BOWMAN

SMURFIT-STONE CONTAINER CORPORATION,

DEFENDANT.

CLERK'S MEMORANDUM AS TO BILL OF COSTS

On June 10, 2011, Plaintiff, Gordon Ellis, filed a Bill of Costs [#60]. On June 28, 2011, the Clerk filed a notice holding the bill of costs in abeyance until the judgment became final and all other requirements of Local Rule 54.1 had been met and the Bill of Costs was re-filed [#61]. On October 18, 2012, Plaintiff, Gordon Ellis, re-filed the Bill of Costs [#63]. Defendant thereafter filed a Memoranda Contra on October 24, 2012 [#64] and Plaintiff's Reply in Support was filed on October 29, 2012 [#65].

Local Rule 54.1 provides that the bill of costs shall be served within fourteen (14) days after the date such judgment becomes final, which ordinarily is the date on which any timely appeal should have been noticed, if one is not taken, or is the date on which the judgment is final after all appeals.

Since the Plaintiff's Bill of Costs was re-filed over a year after the judgment became final, it shall be considered not timely filed and is therefore DISALLOWED in its entirety.

Pursuant to the provisions in FRCP 54(d), a motion to review the Clerk's taxation of costs must be served within seven (7) days of the taxation of costs.

JOHN P. HEHMAN, CLERK

s/Scott M. Lang
Scott M. Lang, Acting Division Manager